



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **01-90**

Date: **November 9, 2001**

Application No. **4323900**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch (Attn: Lisa R. Morris)
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Maintenance Dredging at the Lyon County Riverport

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky, Division of Water, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Lyon County Riverport Authority
978 Port Authority Road
Eddyville, KY 42038

LOCATION: Lick Creek Embayment (Mile 0.8, left bank) of the Cumberland River at Mile 43.0, right bank, Lake Barkley, in Lyon County, Kentucky. (Quad – Eddyville, KY; lat 37-03-00, lon 88-05-00; Cumberland River Navigation Chart #6). See attached location maps.

DESCRIPTION: The proposed work consists of dredging approximately 25,100 cubic yards of material from the channel of the existing mooring area of the Lyon County Riverport. The proposed work is being conducted in order to regain a bottom Elevation 343 feet for safe barge navigation and maneuvering. The proposed dredged area measures 1300' long x 300' wide and 5' deep. The material would be removed by suction dredge and pumped upland to a location above Elevation 378. Normal Summer pool of Lake Barkley is Elevation 359.0. Plans of the proposed work are attached.

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Background: Records indicate that Dunbar and Sullivan performed initial dredging of the port channel in 1969 for the development of their facility. In 1977, a 300' wide channel, beginning where Dunbar and Sullivan ended, was dredged along what is now the present port mooring face to the lime loadout facility. The remaining mooring area was dredged in 1979 north towards the I-24 right-of-way fence. In all instances, the channel sections were dredged to a minimum bottom Elevation 343 and no dredging has occurred since. A sounding performed in 1998 indicated that as much as four feet of sedimentation has been deposited in the channel above Elevation 343. In addition to this specific request, a permit, if issued would authorize maintenance dredging of the area as needed for a ten-year period.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

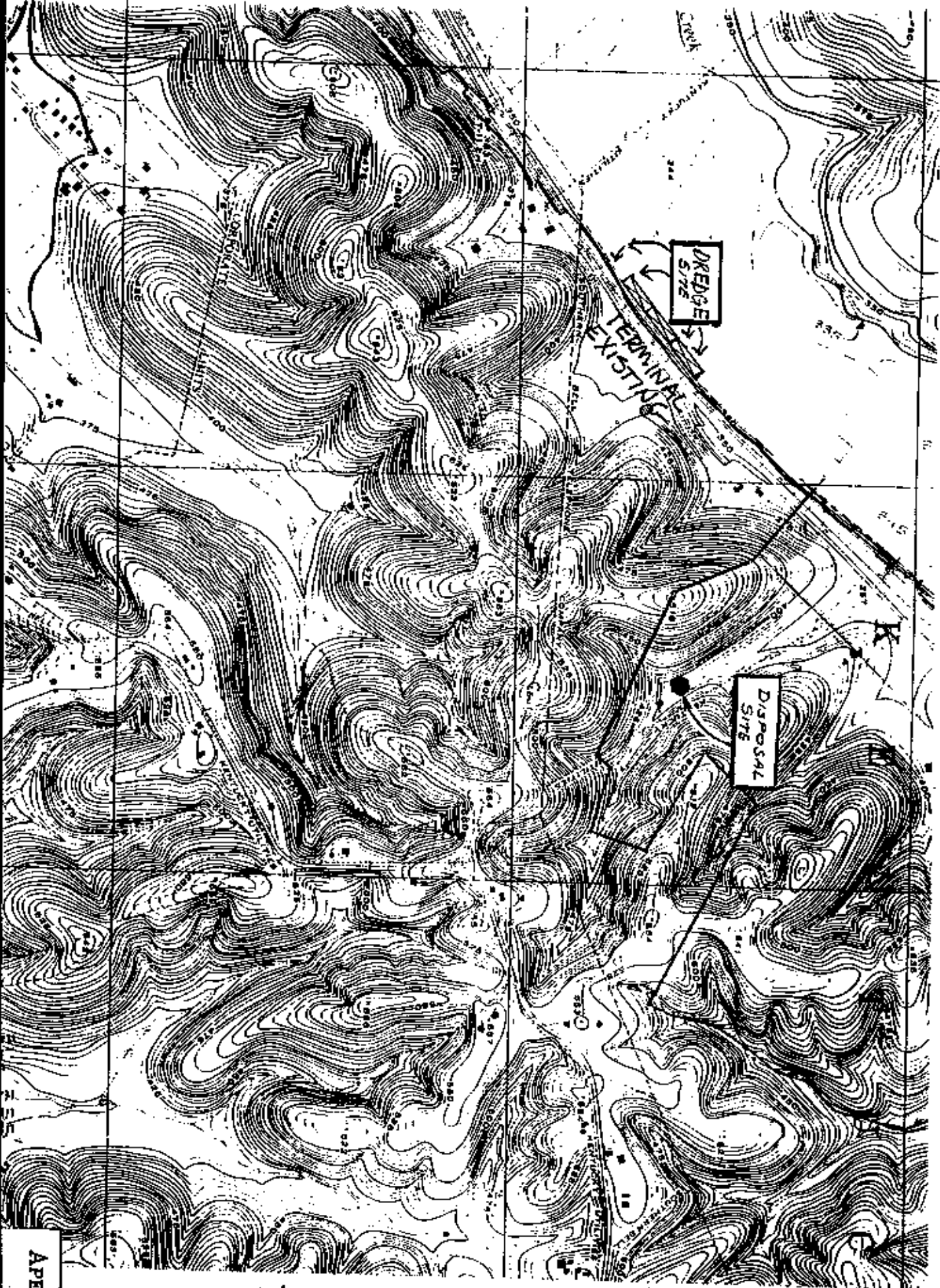
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The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work. Water quality certification from the Commonwealth of Kentucky in accordance with Section 401(a)(1) of the Clean Water Act is required for the disposal containment site. Point of contact is Mr. John Dovak, Kentucky Natural Resources and Environmental Protection Cabinet, Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601, telephone (502) 564-3410

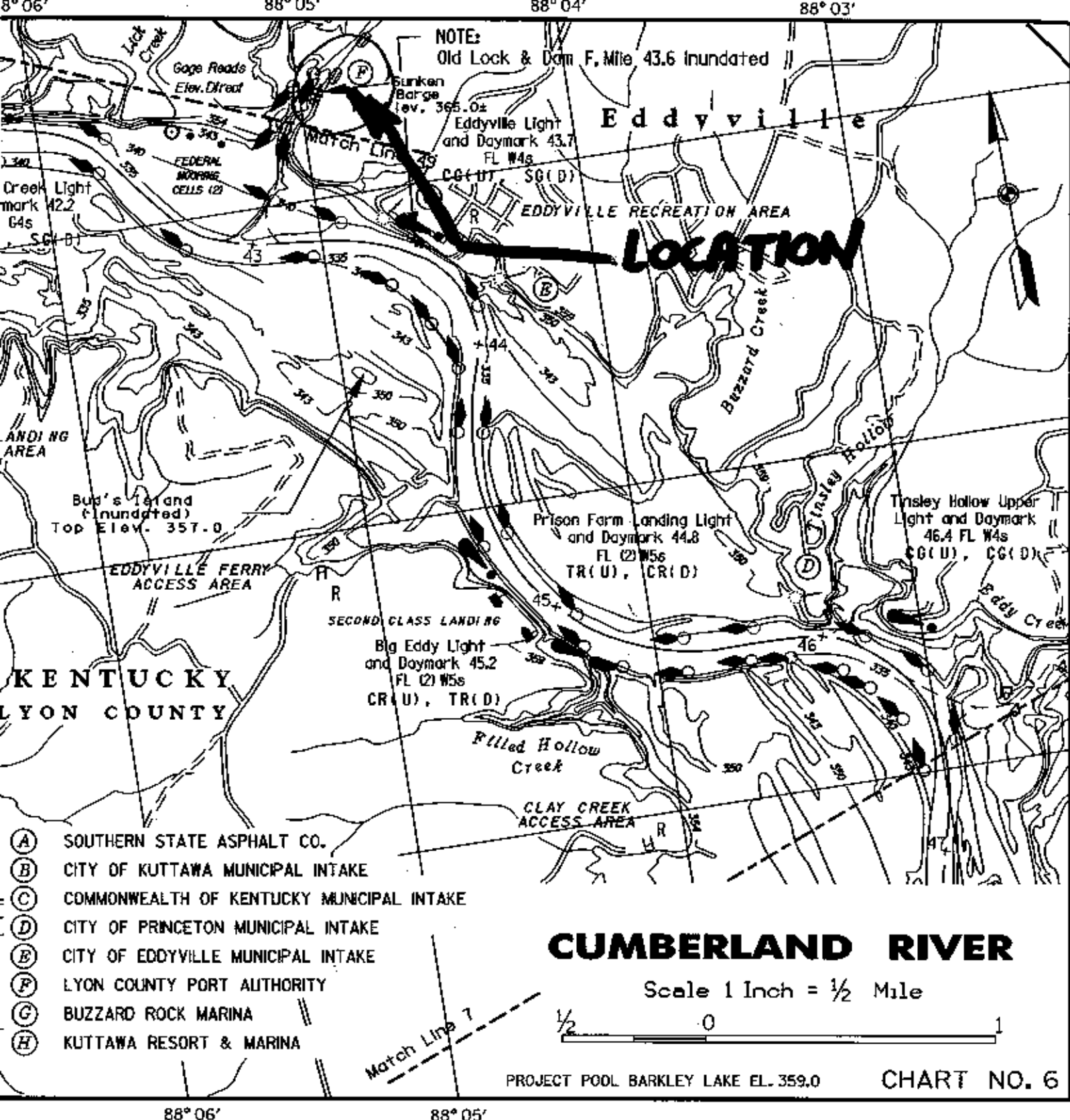
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **December 10, 2001**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504.



EDDYVILLE, KY QUAD

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APEX ENGI



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SHEET 2/3

